tinguished whenever they are not litigated in the proper forum within the prescribed period; and they take away all solid ground of complaint, because they rest on the negligence or laches of the party himself.' These cases were approved in *Braun* v. *Sauerwein*, 10 Wall. 218, where it was said: 'Similar decisions (referring to *Hanger* v. *Abbott*, *supra*) have been made in the state courts. They all rest on the ground that the creditor has been disabled to sue by a superior power, without any default of his own; and, therefore, that none of the reasons which induced the enactments of the statutes apply to his case; that, unless the statutes cease to run during the continuance of the supervening disability, he is deprived of a portion of the time within which the law contemplated he might sue.' "

MUNICIPAL CORPORATIONS—LICENSE TAX ON PRIVATE VEHICLES, FOR USE OF STREETS.—In *Chicago* v. *Collins* (Ill.), 51 N. E. 312, an attempt by the City of Chicago to exact a license tax from owners of all private vehicles (including bicycles) in the city, for the privilege of the use of the streets, was declared beyond the charter powers of the corporation, and was, further, unconstitutional as not being uniform taxation. As said by the court, if the city may exact a license fee for the use of the streets by a private carriage or bicycle, it may likewise require the horseman and the pedestrian to pay a similar privilege tax. Under the ordinance, the same license fee was required of the owner of a five dollar bicycle as of a five thousand dollar automobile carriage. This, the court held, offended against the constitutional provision for *ad valorem* and uniform taxation. The court concedes the right to require a privilege tax of those operating vehicles upon the streets for hire.

"The streets and alleys of a city," says the court, "are held in trust by the municipality for the use of the public, for purposes of travel thereon, and as a means of access to and egress from buildings abutting thereon or lots adjacent thereto. The right to travel on and along the streets of a city belongs to the general public, and does not belong to its denizens alone. The right to travel being in the general public everywhere, all persons have a right to pass along and use the streets and alleys of a city in all their parts, the full width and length thereof. The municipality, which is a mere trustee of the public, and holds the streets and alleys in trust for that public, cannot deny the right of the public to use the streets and alleys. It cannot assume an exclusive ownership, and deny the rights of the beneficiaries under their trust and arrogate to itself a power greater than that of a mere trustee, and prevent the use of the streets and alleys by individual members of the public. The right of the public to use the streets is the right to use them for purposes of travel in the recognized methods in which the public highways of the state are used. Any method of travel may be adopted by individual members of the public which is an ordinary method of locomotion, or even an extraordinary method, if it is not, of itself, calculated to prevent a reasonably safe use of the street by others. If a right exists in a city council to impose a license fee, by way of tax, on every person using wheeled vehicles thereon, it may in like manner impose such license fee for such use of the streets in every other manner of locomotion or travel, and reach the man on horseback, or the pedestrian walking along the same. . . . .

"Any usual method of travel along the streets and alleys of a city cannot be declared to be a nuisance. The city council may regulate the use of the streets

and alleys to the extent that it may require sidewalks exclusively reserved for use by pedestrians, and exclude certain character of loads and regulate the width of tires on vehicles used on a certain character of pavements, and provide that the rate of speed shall be much less on certain streets than on others, and otherwise regulate the use of the streets, having in view solely the welfare and safety of the public. The city may also regulate certain occupations, such as hackmen, draymen, expressmen, and the like, for such regulation is of a police character, having reference to the general welfare, as a means of preventing improper exactions and extortions; and for the same reason a license may be exacted for vehicles used in the transportation of goods and merchandise, or of passengers, or for other purposes of traffic; but such license is an occupation license, and not one for the use of the streets. The license in the latter-named case is designed to operate upon those who hold themselves out as common carriers, and a license may be exacted from such as a proper exercise of police power; but no reason exists why it should be applied to the owners of private vehicles, used for their individual use exclusively, in their own business, or for their own pleasure, as a means of locomotion. *Farwell* v. *City of Chicago*, 71 Ill. 269; *Joyce* v. *City of East St. Louis*, 77 Ill. 156; *City of Collinsville* v. *Cole*, 78 Ill. 114; *City of St. Louis* v. *Grone*, 46 Mo. 575; *Livingston* v. *City of Paducah*, 80 Ky. 657; *City of Covington* v. *Woods* (Ky.), 33 S. W. 84.

"Anything which cannot be enjoyed without legal authority would be a mere privilege, which is generally evidenced by a license. *Cate* v. *State*, 3 Sneed. 120. The use of the public streets of a city is not a privilege, but a right.

"In Cooley, Tax'n, p. 596, it is said: 'A license is a privilege granted by the State, usually on payment of a valuable consideration, though it is not essential. To constitute a privilege, the grant must confer authority to do something which, without the grant, would be illegal; for if what is to be done under the license is open to every one without it, the grant would be merely idle and nugatory, conferring no privilege whatever.' A license, therefore, implying a privilege, cannot possibly exist with reference to something which is a right, free and open to all as is the right of the citizen to ride and drive over the streets of the city without charge and without toll, provided he does so in a reasonable manner. That such a right exists in Chicago is recognized in *Smith* v. *McDowell*, 148 Ill. 51, 35 N. E. Rep. 141."